



2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE TRANSPORTATION COMMITTEE

Date: Wednesday, January 28, 2015

Place: Capitol

Time: 3:00 PM

Room: 455

BILLS and RESOLUTIONS HEARD:

HB 275 - Revise fuel tax revenue to fund maintenance and public transportation - Rep. Nancy Wilson

HB 280 - Generally revise laws on bicycles - Rep. Jeff Essmann

HB 295 - Revise law for signage warning drivers of a school bus stop ahead - Rep. Carolyn Pease-Lopez


HB 307 - Revise special fees for certain trucks transporting timber owned by truck owner - Rep. Mike Cuffe

EXECUTIVE ACTION TAKEN:

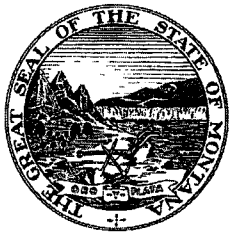
HB 241 Do Pass

HB 202 Do Pass As Amended

Comments:



REP. Steve Lavin, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL

DATE Jan 28, 2015

NAME	PRESENT	ABSENT/EXCUSED
REP. STEVE LAVIN, CHAIRMAN	✓	
REP. CHRISTY CLARK, VICE CHAIR	✓	
REP. NANCY WILSON, VICE CHAIR	✓	
REP. ROB COOK	✓	
REP. WILLIS CURDY	✓	
REP. CLAYTON FISCUS	✓	
REP. FRANK GARNER	✓	
REP. GEORGE KIPP III	✓	
REP. MARGIE MACDONALD		✓
REP. WENDY MCKAMEY	✓	
REP. MIKE MILLER	✓	
REP. LEE RANDALL		✓
REP. BRIDGET SMITH	✓	
REP. KATHY SWANSON	✓	✗

14 MEMBERS



HOUSE STANDING COMMITTEE REPORT

January 28, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 241** (first reading copy -- white) **do pass**.

Signed: _____

Representative Steve Lavin, Chair

- END -

Committee Vote:

Yes 14, No 0

Fiscal Note Required ☐

HB0241001SC.hbb



HOUSE STANDING COMMITTEE REPORT

January 28, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 202** (first reading copy -- white) **do pass**.

Signed: _____

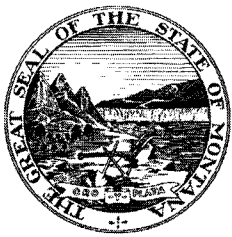
Representative Steve Lavin, Chair

- END -

Committee Vote:

Yes 10, No 4

Fiscal Note Required X



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 202

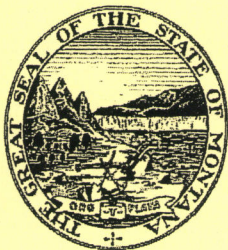
DATE Jan 28, 2015

MOTION Do Pass as Amended

NAME	AYE	NO	PROXY
REP. CHRISTY CLARK, VICE CHAIR		✓	
REP. NANCY WILSON, VICE CHAIR	✓		
REP. LEE RANDALL		✓	✓
REP. MARGIE MACDONALD	✓		
REP. CLAYTON FISCUS		✓	
REP. BRIDGET SMITH	✓		
REP. ROB COOK	✓		
REP. KATHY SWANSON	✓		
REP. MIKE MILLER		✓	
REP. WILLIS CURDY	✓		
REP. WENDY MCKAMEY	✓		
REP. FRANK GARNER	✓		
REP. GEORGE KIPP III	✓		
REP. STEVE LAVIN, CHAIRMAN	✓		

10 - 4

14 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Transportation

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Lavin

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

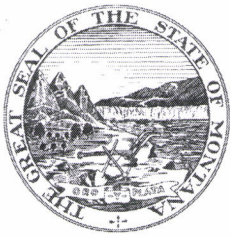
HB 241	X	X
HB Am. #3 202	X	
HB 202 AS Am. #4		X

Rep.

(Signature)

Date

11/28/15



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITORS REGISTER

TRANSPORTATION COMMITTEE

DATE Jan 28, 2015

BILL NO: 275 (HB)

SPONSOR(S): Rep. Nancy Wilson

SHORT TITLE: Revise fuel tax to fund maintenance and public transportation.

Please leave prepared testimony with secretary.

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name	Representing	Support	Oppose	Informt'l
Smyla Patera	NCILS, Self	X		
Mikewoods	NCILS	X		
Marty Blair	Missoula, Urban Trans. Dist	X		
HAROLD Blattie	NACo	X		
DAVID KACK	STREAMLINE + SKYLINE	X		
John MacDonald	city of Missoula	X		
Kyla Maki	MEIC	X		
Spark Stem	MEM		X	
Mike Tooley	MT			X
Malint				
Elizabeth Andrews	Self	X		
Shelby Dauter	MCV	X		
Mike Fellows	MTLP		X	
Gregory Markitt	NCILS	X		
Cary Hegreberg	Contractors		X	
David L. Nielsen	MT League of Cities	X		
John Puandt	AFP-MT		X	



VISITORS REGISTER

DATE Jan 28, 2015 BILL NO: HB 295

SPONSOR(S): Rep. Carolyn Pease-Lopez

SHORT TITLE: Revise law for signage warning drivers of a school bus stop ahead.

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

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ADDITIONAL DOCUMENTS

January 28, 2015

RE: House Bill 275

Dear Mr. Chairman and Members of House Transportation Committee,

My name is Martin Blair and I am a board member of the Missoula Urban Transportation District. Please accept this testimony in support of HB 275 – a bill to increase the state gasoline tax by five cents, and allocating the revenue for local roads and streets, and for public transportation.

The Missoula Urban Transportation District is a public transit agency operating Mountain Line bus service in Missoula County, which includes a fixed-route bus system, a senior van, and a paratransit service. The Missoula Urban Transportation District (MUTD) was established by voters in June of 1976 and we began operation the following year. The vote established taxing authority for the creation of the district and passed by a margin of two to one. Since that time, Mountain Line has provided over 22 million passenger trips. Recognizing Mountain Line's contribution to economic prosperity, community health and well-being, numerous businesses and community organizations have partnered with us over the years, including the University of Montana, Missoula Downtown Association, Missoula's two hospitals (St. Patrick Hospital and Community Medical Center), and many local businesses.

Fundamentally, HB 275 is a jobs bill. We know that investments in transportation infrastructure and public transportation translate into new jobs, including surveyors, engineers, asphalt contractors, bus drivers, mechanics and more. And according to the Center for Transportation Excellence, investments in transit also create jobs – between 300 and 500 jobs for every \$10 million in investment.

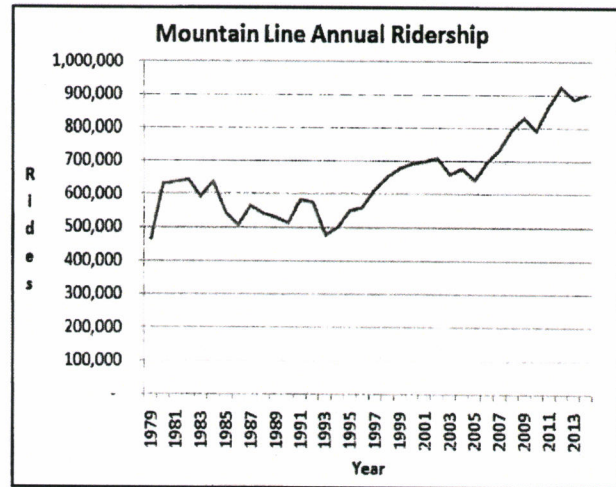
As you know, neither the federal nor state gasoline taxes have been increased in more than two decades. In 1993 the federal gas tax was 18.4 cents per gallon. The price of a First Class stamp that year was 29 cents. In the 22 years since that time, the cost of mailing a letter has risen to 48 cents while the gas tax has stayed exactly the same. If the same rate of inflation had been applied to both, the gas tax would be at least 28.5 cents per gallon today.

Meanwhile, the revenue provided by the gasoline tax has declined overall, due to more fuel-efficient vehicles and an overall decline in individual vehicle miles traveled (VMT). At the same time, the costs of transportation infrastructure and operations, including public transportation, have risen considerably. Even in our rural state, demand for public transportation transit has increased rapidly.

With the U.S. Highway Trust Fund headed for bankruptcy due to declining revenue, states are increasingly coming up with their own plans for raising additional transportation funds – while

hoping the federal government finds a way to continue being a strong partner in their efforts. Since 2012, twelve states have approved plans to raise their own transportation revenue. Eight of these states raised the gasoline tax in some form, including the state of Wyoming, which increased its gasoline tax by ten cents, a measure that is expected to raise \$70 million annually for Wyoming. So, we applaud this committee for also considering innovative ways to meet our transportation needs, and for considering this bill in particular.

Public transportation is also funded by gas tax revenue, and it too is dealing with the decline in revenue. In Missoula, the demand for public transportation continues to climb, with ridership increasing 40 percent over the last ten years. Mountain Line now provides nearly one million rides annually. In response to this demand combined with shrinking federal transportation monies, we were forced to seek an increase in our operational mill levy in 2013 for the first time since 1977. And Missoula voters overwhelmingly approved the increase.



With the increase in revenue, we were able to extend our hours of service into the late evening, and increase the frequency of service on several key bus routes, serving local businesses, the hospitals and other important community destinations. The additional service will help people get to work, ensure students can get to school, and allow seniors and people with disabilities to remain independent. The projected ridership increase will also benefit the entire community, by reducing traffic congestion and parking demand.

The decline in gas tax revenue has also led to an increase in number of deficient bridges nationwide and here in Montana. Montana contains nearly 400 bridges listed as deficient. Carter, Musselshell, Fallon, Beaverhead and Prairie counties lead the list, with nearly one in five bridges listed as deficient, according to a 2013 report by Transportation for America. A fuel tax increase will help provide local communities with revenue to begin to address this maintenance backlog.

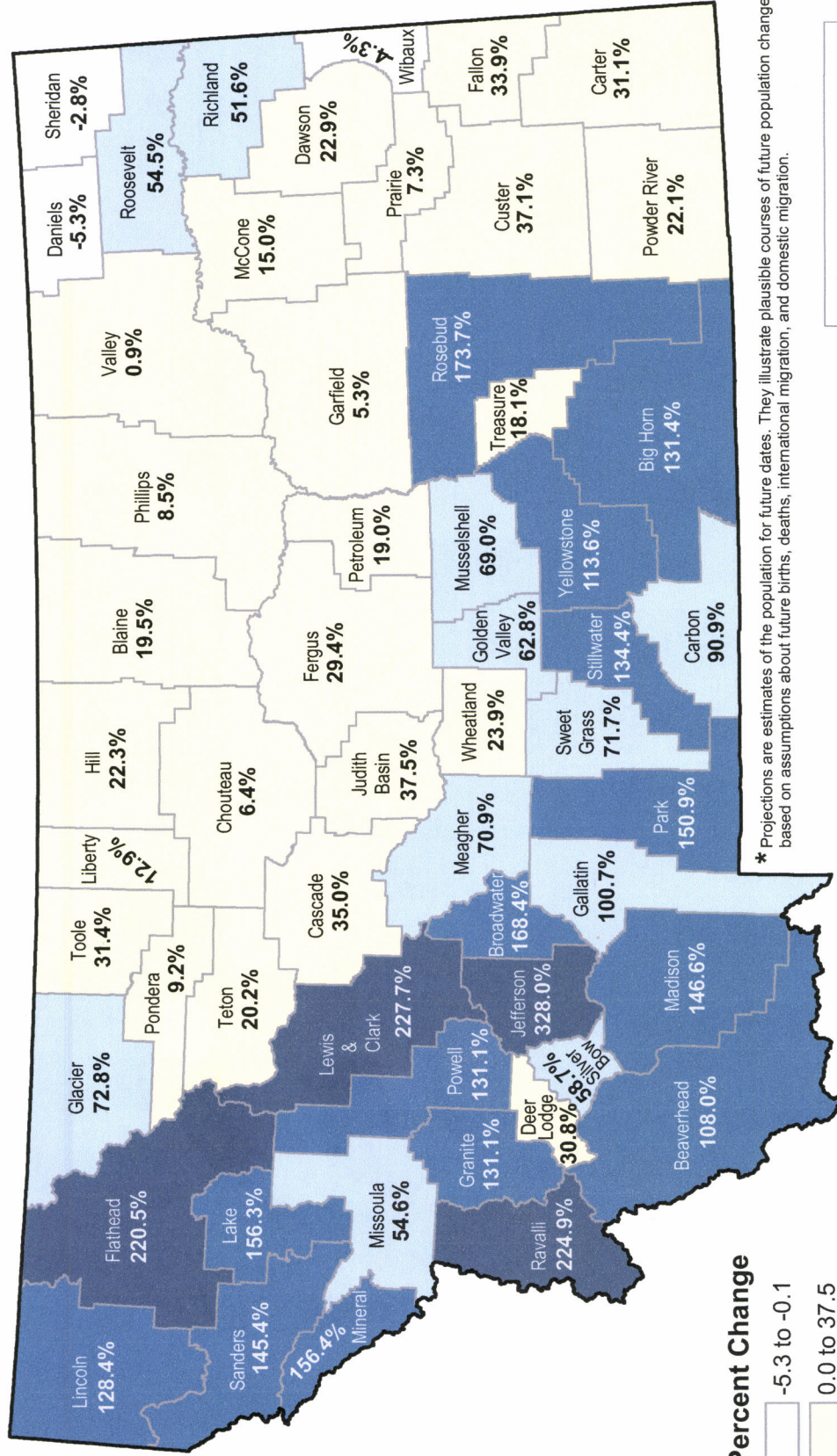
Thank you for the opportunity to comment on this bill. This proposed modest increase in the gasoline tax would help local communities put people to work repairing county roads and city streets. The revenue would allow transit systems like Mountain Line to leverage federal monies, and let us continue to meet the growing need for public transportation, without having to raise property taxes.

Sincerely,

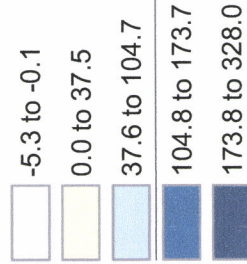
Martin Blair

ADDITIONAL DOCUMENTS

Montana Population Projection Percent Change in 65 and Older Population between Census 2000 and NPA Projections for 2030 *



Percent Change



Montana's Percent Change is 104.8%
The U.S. Percent Change is 99.8%

* Projections are estimates of the population for future dates. They illustrate plausible courses of future population change based on assumptions about future births, deaths, international migration, and domestic migration.

Map by:
Census & Economic Information Center
Montana Department of Commerce
301 S. Park Ave, Helena MT 59601
406-841-2740 email: ceic@mt.gov
<http://ceic.mt.gov>

ADDITIONAL DOCUMENTS

Tooley, Mike

From: Reardon, Tim
Sent: Monday, January 26, 2015 9:34 AM
To: Tooley, Mike; Kailey, Dwane; Zanto, Lynn (MDT)
Subject: FW: HB 275

Expires: Wednesday, July 22, 2015 12:00 AM

I asked Eli to take a look at HB 275. I think he is on point with the conclusion that it seems it requires a 3/5ths vote to divert the 2 cents to transit.

From: Clarkson, Eli
Sent: Monday, January 26, 2015 8:20 AM
To: Reardon, Tim
Subject: RE: HB 275

Tim,

LC 737, argues that public transportation will reduce the number of single-occupant vehicle miles traveled, which will save local, state, and federal governments' maintenance costs, improve the operation of roadways, improve the safety of roadways, and improve air quality. It also notes that the Federal Transit Administration data shows that transit is among the safest way to travel, and that public transportation improves safety for all by giving those under the influence of alcohol or other drugs the choice of not driving and removing the hazard to other drivers.

LC 737 proposes to distribute gas tax funds in four different ways. First, 35% will go to public transportation in non-urbanized areas as provided in 49 U.S. C. 5311. This money may be spent on:

- (A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of rural areas in the State;
- (B) public transportation capital projects;
- (C) operating costs of equipment and facilities for use in public transportation;
- (D) job access and reverse commute projects; and
- (E) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

Second, 35% will go to providers for use as matching funds for federal programs for the provision of public transportation in urbanized areas as provided in 49 U.S.C. 5307 which states money may be spent on:

- (A) capital projects;
- (B) planning;
- (C) job access and reverse commute projects; and
- (D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census.

Third, 20% to providers for use as matching funds for federal programs for the provision of additional intercity routes as provided in 49 U.S.C. 5311(f) which money may be spent on:

- (A) planning and marketing for intercity bus transportation;
 - (B) capital grants for intercity bus facilities;
 - (C) joint-use facilities;
 - (D) operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects; and
 - (E) coordinating rural connections between small public transportation operations and intercity bus carriers.
- Finally, 10% to a DUI task force designated by the Department.

The Montana Constitution states:

MT CONST Art. 8, § 6

Section 6. Highway revenue non-diversion

- (1) Revenue from gross vehicle weight fees and excise and license taxes (except general sales and use taxes) on gasoline, fuel, and other energy sources used to propel vehicles on public highways shall be used as authorized by the legislature, after deduction of statutory refunds and adjustments, solely for:
 - (a) Payment of obligations incurred for construction, reconstruction, repair, operation, and maintenance of public highways, streets, roads, and bridges.
 - (b) Payment of county, city, and town obligations on streets, roads, and bridges.
 - (c) Enforcement of highway safety, driver education, tourist promotion, and administrative collection costs.
- (2) Such revenue may be appropriated for other purposes by a three-fifths vote of the members of each house of the legislature.

As an initial point, the party attacking the constitutionality of the legislature's actions in assigning the money, bears the burden in bringing the challenge. *Harvey v. Blewett*, 1968, 151 Mont. 427, 443 P.2d 902. In reading the plain language, it appears that public transit would require a 3/5 vote of the legislature to divert highway revenue.

The one argument that could made is under the is demonstrated under the old constitution's anti-diversion provision. In that case the Supreme Court stated the following:

The court specifically concluded that the prevention of future costs of reconstruction, repair and maintenance is preventive maintenance and within the definitions contained in Article XII, Section 1b; that the Highway Commission is not prevented by the Constitution of Montana from paying an assessment of the nature contemplated by the flood control district, and that the Highway Commission is specifically authorized by statute to make such a payment.

State Highway Comm'n v. W. Great Falls Flood Control & Drainage Dist., 155 Mont. 157, 162-63, 468 P.2d 753, 757 (1970).

The Supreme Court of Montana upheld the assessment and stated that protecting the roadway from potential flooding was "preventative maintenance" which, with enough, evidence could be paid for under the anti-diversion provision.

Therefore, should enough evidence of a decrease in maintenance costs to MDT exist, an argument, based on *Great Falls Flood Control & Drainage District*, could be made that paying for public transit is "preventative maintenance." The appropriate question may be, has enough research been completed to properly make that argument.

**ADDITIONAL
DOCUMENTS**

Jan 28, 2015

Dear Chair and members of the Transportation Committee, For the Record my name is Mike Fellows, from Missoula representing the Montana Libertarian Party.

I rise in opposition to HB 275. We don't have a revenue problem, we have a spending problem. We tend to spend money on things that are not essential. We see this in the Federal Highway Trust Fund that is running out of money because of spending and not having priorities. The Congressional solution was to cancel Saturday mail delivery.

Of course being from Missoula we spend money on plenty of things besides fixing pot holes. A Missoula City agency Missoula in Motion has a budget of over 300,000 dollars. Their main goal is to eliminate cars and get folks on bikes or public transportation. We have an Urban Transportation District that taxes property owners for buses with low ridership. Mountain lion recently decided on a zero fare schedule to justify their low numbers. A large bus with two passengers spews out more pollution then most passenger cars with two people.

Given the fact that we can't fund everything, we need to prioritize road projects. Montana voters won't approve of higher taxes, so cities like Missoula can have everything.

I recommend a do not pass on HB 275. Thank you for your time.